BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

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27 28 IN THE MATTER OF: Case Nos: DO-16-0119A FINDINGS OF FACT, Angela Marie DeRosa, D.O., CONCLUSIONS OF LAW, AND Holder of License No. 4223 ORDER FOR DECREE OF CENSURE For the practice of osteopathic medicine in AND CIVIL PENALTY AND the State of Arizona CONSENT TO SAME

In June, 2016, the Arizona Board of Osteopathic Examiners (hereinafter "Board") received a complaint from a healthcare provider who treated CS for over-suppressed CS received treatment from Angela Marie DeRosa, D.O. (herein after thyroid. "Respondent") and other licensed healthcare providers.

The Board duly noticed an Investigative Hearing on this matter for May 6, 2017, which was continued to June 17, 2017, at Respondent's request. On June, 17, 2017, Respondent appeared personally and with counsel, Mr. Paul J. Giancola for the Investigative Hearing.

After hearing testimony from the Respondent and considering the documents and evidence submitted, the Board continued the matter to November 2017.

In the interest of prompt and judicious settlement of the above matters before the Board, and, pursuant to A.R.S. 32-1803(A)(2), Respondent and the Board enter into this Order for a Decree of Censure and Civil Penalty.

CONSENT TO ENTRY OF ORDER

- Respondent has the right to consult with an attorney prior to entering into 1. this Consent Agreement and has done so.
- Respondent has a right to an investigative hearing or a formal administrative 2. hearing concerning this matter. She further acknowledges that at such formal hearing she could present evidence and cross-examine witnesses. Respondent has elected to enter into this Consent Agreement in lieu of continuing to expend considerable time and expense in

exercising her due process rights in this matter. Respondent irrevocably waives her right to such hearing.

- 3. Respondent irrevocably waives any right to rehearing or review or to any judicial review or any other appeal of this matter.
- 4. This Consent Agreement shall be subject to the approval of the Board and shall be effective only when accepted by the Board and signed by the Executive Director. In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party, except that the parties agree that should the Board reject this Consent Agreement and this matter proceed to interview or hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.
- 5. Any admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, any admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.
- 6. The Consent Agreement, once approved by the Board and signed by the Respondent, shall constitute a public record which may be disseminated as a formal action of the Board, including reporting it to the National Practitioner Data Bank.

REVIEWED AND ACCEPTED this 10th day of July, 2017.

Angela Marie DeRosa D.O.

JURISDICTIONAL STATEMENTS

- 1. The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the person licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.
- 2. Respondent is the holder of License No. 4223 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

FINDINGS OF FACT

- 1. On June 12, 2011, C.S. was referred to Respondent by her primary care provider for hormonal treatment of her menopausal symptoms and her inability to regulate her thyroid. Respondent confirmed the diagnosis of hypothyroidism and recommended that C.S. lower her dose of previously prescribed thyroid medication and start estrogen and testosterone in an effort to treat the patient's symptoms. Respondent did not see the patient again, however, C.S. was treated by nurse practitioners in Respondent's group practice who increased the patient's thyroid medication and apparently did not respond to the patient's over-suppressed TSH.
- 2. The Respondent's testified that, if aware of the course of treatment, she would have lowered the patient's thyroid medication and closely monitored her. She also testified that after learning about this case, she discussed the care provided to C.S. with the nurse practitioner as a learning experience and conducted a chart audit confirming that appropriate care was otherwise being provided by nurse practitioners.
 - 3. The above-described conduct potentially endangered the patient's health.

CONCLUSIONS OF LAW

The conduct described above is a violation of unprofessional conduct pursuant to A.R.S. § 32-1854(38), which states "Any conduct or practice that endangers the public's health or may reasonably be expected to do so."

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ORDER

Pursuant to the authority vested in the Board,

IT IS HEREBY ORDERED that the license of Angela Marie DeRosa, D.O, holder of osteopathic medical License number 4223 is issued a **DECREE OF CENSURE.**

IT IS FURTHER ORDERED that Respondent shall pay a One Thousand and 00/100 Dollars (\$1,000.00) Civil Penalty to the Arizona Board of Osteopathic Examiners in Medicine and Surgery within thirty (30) days of the effective date of this Order. The effective date of this Order is the date it is signed by the Board's Executive Director.



ISSUED THIS <u>/3</u> DAY OF JULY, 2017. STATE OF ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

By Jenna Jones, Executive Director

ORIGINAL "Consent for Order of Decree of Censure and Civil Penalty" filed this 13th day of July, 2017 with:

Arizona Board of Osteopathic Examiners in Medicine and Surgery 9535 East Doubletree Ranch Road Scottsdale AZ 85258-5539

COPY of the "Consent for Order of Decree of Censure and Civil Penalty" sent by Certified Mail, Return Receipt Requested this 13⁺¹² day of July, 2017 to:

Angela Marie DeRosa, D.O. Address of Record

1	COPY of the foregoing "Consent for Order of Decree of Censure and Civil Penalty" sent electronically this 13 to day of July, 2017 to:
2	sent electronically this <u>/3 day</u> day of July, 2017 to:
3	Paul Giancola
4	Snell & Wilmer One Arizona Center
5	400 East Van Buren Street, Suite 1900 Phoenix, AZ 85004-2202
6	pgiancola@swlaw.com
7	Attorney of Record
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